

R E P O R T
OF THE
TWENTIETH ANNUAL MEETING
OF THE
State Bar Association
of Indiana

HELD AT
LAFAYETTE, INDIANA,
JULY 12 and 13, 1916

OHIO STATE
UNIVERSITY

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1916

Memorial Meeting

OF THE

STATE BAR ASSOCIATION OF INDIANA

IN MEMORY OF THE

Honorable John H. Baker

Late Judge of the United States District Court for the
District of Indiana

Held in the Court Room of the United
States District Court for the District
of Indiana, at Indianapolis, Indiana, on
the twenty-seventh day of October,
one thousand nine hundred and fifteen.

At a special meeting of the State Bar Association of
Indiana held in the Court Room of the United States
District Court for the District of Indiana in the City
of Indianapolis, Indiana, on the twenty-seventh day of
October, in the year one thousand nine hundred and
fifteen.

Pursuant to the call of the President and Secretary of
the State Bar Association of Indiana, a meeting of the
members of the Association was held at the courtroom of
the United States District Court, at Indianapolis, on
Wednesday, October 27, 1915, at 10:00 o'clock a. m.

The meeting was called to order by Hon. Robert W. Mc-
Bride, President.

PRESIDENT MCBRIDE: Gentlemen, I believe this is the first time during the eighteen years of the existence of the State Bar Association of Indiana that it has been called together on an occasion of this character. But, while such a meeting is without precedent, when Mr. Addison C. Harris, one of our charter members and a former President of the Association, came to me and suggested that I call this meeting, it seemed to me that to do so would be altogether fitting and proper. When the Association was organized, Judge John H. Baker, then Judge of the United States District Court of Indiana, presided at the meeting which adopted its Articles of Association. He was one of its charter members, and his membership has been continuous from that time until his death.

My personal acquaintance with Judge Baker began about forty-eight years ago, only a short time after my own admission to the bar. At that time the bar of northeastern Indiana was not only strong numerically, but in point of ability it would compare favorably with the bar of any other part of the state. It numbered among its members such men as James L. Worden, John Morris, Robert S. Taylor, William H. Coombs, Walpole Colerick, Allen Zollars, Lindley M. Ninde, Robert Lowrey, James L. Frazier, Joseph A. S. Mitchell, William A. Woods, James I. Best, Isaac E. Knisely, Robert C. Bell, Andrew Anderson, Andrew Ellison, Augustus A. Chapin and Joseph A. Woodhull, all of whom were strong men intellectually—strong in their knowledge of the law and strong in their skill as practitioners. Judge Baker was already recognized as one of the leaders of that bar, and he never failed to maintain that distinction. To-day, of all the men who were then practicing law in that part of the state, I know of only four who are living.

I practiced in the same courts with Judge Baker. He practiced before me in the courts over which I had the honor to preside, and later I practiced in the court over which he presided with such signal ability, distinction and fairness, and it gives me pleasure to bear testimony that he was not only an able and learned lawyer, an able and just judge, but that he was, in my opinion, that best of God's creations—an honest man.

In order that the proceedings of this meeting might be expedited, some days ago I appointed a Memorial Committee. Mr. Noble C. Butler is the chairman of that committee, and I will ask if the committee is now ready to report.

NOBLE C. BUTLER, ESQ.: Mr. Chairman, the committee now submits the following report:

MEMORIAL.

JOHN H. BAKER was born on the 28th day of February, 1832, in Monroe County, in the State of New York. His childhood and youth were passed upon a farm in Fulton County, in the State of Ohio, where he attended the common schools, and taught in them. After reaching the age of 21 years, he was admitted as a student in the Ohio Wesleyan University, and had a course of two years in that institution. In 1857 he was admitted to the bar at Adrian, in the State of Michigan, and soon afterwards began the practice of the law at Goshen, in this state, where he married Harriet E. De Frees and lived, at the time of his death, on the 21st day of the present month. He was elected to Congress in 1874, and served as a member of the House of Representatives for six consecutive years. At the close of that period he declined another nomination, and went back

to the practice of the law at Goshen. He was an influential member of important committees in the House of Representatives, including the Committee on Appropriations, of which he was, at the time of his retirement, the leading member from the Republican side. On account of his intimate acquaintance with the postal service and participancy in the prosecution of the Star Route frauds, he was offered the post of Second Assistant Postmaster General by President Garfield, and declined it. In 1892 President Harrison tendered him the position of Judge of the District Court of the United States for this district, which was accepted by him, and he began the performance of his judicial duties on March 29th of that year. Having served more than ten years on the bench and reached the age of retirement in 1902, he resigned the District Judgeship and returned to his home at Goshen, where he passed the remainder of his life among his old neighbors and associates with the "honor, love, obedience, troops of friends," which were his due.

Bar associations are interested in him as a lawyer and a judge. They bear witness to his many virtues and derive a benefit from the contemplation of them, but their chief interest in his personality is an interest in it as it was disclosed at the bar and on the bench.

Judge Baker regarded all law, customary or statutory, human or divine, very much as it seemed to "the judicious Hooker," as part of a mighty system whose voice is the harmony of the world, and which should receive the homage of all mankind; the very least as feeling its care and the greatest as not exempted from its power. Even legislation fashioned by incompetent hands or with a questionable purpose, if within the legitimate power and authority of the makers of it, was entitled to his respect as long as it formed

a part of the great body of the positive law. He did not sympathize with open or covert violation of the law, or with organized or individual resistance to it, and he placed the stamp of his personal and official disapproval upon all acts in defiance of the law. His remedy for unsatisfactory legislation was through the orderly process of an electorate and not through insurrectionary acts.

On the bench he fully recognized his obligations as an instrument of the law and gave it a conscientious and effective enforcement, but he also exercised with humanity and wisdom the discretion vested in him by the law, and his judicial acts were not merely automatic or mechanical acts. While he loyally followed the precedents that were binding upon him, all other precedents had to pass through the crucible of his own mind before gaining his approval. His mind was always in good working order and as free from sloth and indolence as from servility to the minds of other men.

In dealing with crime he recognized a just distinction between the weakness and infirmity of human nature as distinguished from criminality of purpose.

There was in him a combination of the legal mind with a judicial temperament. He was a chancellor as well as a common law judge. The bearing and weight of evidence, the significance of facts and the principles applicable to them, were clearly and promptly apprehended by him, and material facts and principles were made perfectly obvious by his logical and lucid exposition of them in an opinion or charge to a jury. With a trained and disciplined intellect he patiently explored tedious records and briefs, and often in the decision of a petty controversy sounding in damages for a tort or breach of contract, he gave to the bar

an exhaustive statement of important principles that were involved in the controversy and controlled his decision of it. What Bryce says about Cairns, the great English Chancellor of the Victorian era, is applicable to Judge Baker:

"It was in the grasp of the principles involved, in the breadth of view which enabled him to see these principles in their relation to one another, in the precision of the logic which drew conclusions from the principles, in the perfectly lucid language in which the principles were expounded and applied, that his strength lay."

The long and honorable experience of Judge Baker as a practitioner at the bar and as a maker of laws for the nation were only a part of his equipment for the bench. He knew the history and philosophy of the law, the reason and necessity for positive law and for the stability and permanence of it, and upon what these qualities depend. It was in the very nature of things that he should retain his affection for the Latin classics which he read in the original text with pleasure and comfort in these days of transition and changes in the fundamental law. He preferred the *Agricola* of Tacitus to the latest and best seller on the subject of a short and easy method with constitutions and judges. He liked the mental drill and discipline that he got from translating them and he liked the old Roman way of saying and doing things and standing by them when they are authoritatively said and done.

On the death of Isaac Redfield, the distinguished author of the classical treatises on the Law of Wills and Railway Law, the Supreme Court of Vermont, of which he was Chief Justice for many years, placed in the 49th volume of the Vermont Reports an estimate of him by one

of the great lawyers of our country, which is also descriptive of Judge Baker :

“His views of the law were always elevated. He did not look upon it as an aggregation of arbitrary rules and disconnected machinery, but as a broad, fair, and noble science that ought to pervade with a salutary and wholesome influence all the affairs of human life; as not merely the protector of private right, but equally the conservator of public liberty. Neither his reading nor his thought was circumscribed by the narrow channel of the subjects actually in controversy before him. He made himself familiar with the higher branches of jurisprudence, its constitutional foundations, its history, its philosophy, its morality, its literature, its connection with the framework of society and of government. He became not only a lawyer, but a jurist, in the true sense of the term. Such studies enriched his opinions with a many-sided scholarship, and gave them an elevated and dignified sentiment. They rest, when important questions are to be considered, upon broader and higher grounds than mere technical rules or arbitrary precedents.”

Respectfully submitted,

NOBLE C. BUTLER,
JOHN W. SPENCER,
JOSEPH H. SHEA,
W. H. H. MILLER,
ADDISON C. HARRIS,
EDWARD DANIELS,
JOHN B. COCKRUM,
CHARLES W. MILLER,
Committee.

CHARLES W. MILLER, ESQ.: Mr. Chairman, I move the adoption of the resolution just read and that a copy of the same be spread of record on the minutes of this court, and a copy be furnished to the family and that the Supreme and Appellate Courts of this state be requested to also spread a copy of the same upon the records of those courts.

The motion was seconded by Finley P. Mount, Esq.

PRESIDENT MCBRIDE: You have heard the motion. Are there any remarks?

CHARLES W. MILLER, ESQ.: Mr. Chairman, and gentlemen of the bar—It is somewhat difficult for me to pay a proper tribute of respect to the memory of Judge John H. Baker. He was my good friend for more than thirty years. When I went to Goshen, Indiana, and entered upon the practice of our profession, Judge John H. Baker was one of the first men to greet me as a young practitioner at the Elkhart County Bar. It was my pleasure to be associated with him in the trial of cases and also in some cases to be opposed to him.

The next day after Judge John H. Baker entered upon the discharge of his duties as Judge of the District Court for the District of Indiana, receiving the appointment from President Harrison, I formed a partnership with his son, the Hon. Francis E. Baker, and entered the office that Judge John H. Baker had so signally honored for many years.

It was always a pleasure to meet Judge Baker at his home, in his office or in the courtroom. While he was a great judge, in my opinion he was greater as an advocate at the bar.

He was a wise and safe counselor. He was particularly able in the presentation of propositions of law to the court, and in his presentation of facts to the jury he was most convincing,—he was almost invincible.

He was loved and respected by every man who knew him. He was ready at all times to take part in public affairs. For years he took an active part in politics,—local, state and national. He was ready and willing to speak in the small towns in our county, even when other men whose time was less occupied, were unwilling to go. I had the pleasure on many occasions of accompanying him, and we went nowhere in that section of Indiana where he was not known personally by practically every one in the audience; not only known, but admired, respected and loved.

It is not for me on this day to enter upon any discussion of his life, his character, his achievements, his wonderful ability, his knowledge of the history and philosophy of the law. I only arise for the purpose of saying a few words,—to testify to the respect in which I hold his memory. I can never forget him.

There is an honor in the profession of the law that is the pure gold of it, and Judge Baker particularly exemplified that honor in the profession. There is an honor in the profession of the law that is the pure gold of it, in endeavoring to administer justice as justice should be administered, and the handling of matters for clients as they should be handled. There was no man so poor that he could not obtain the benefit of the great ability of Judge John H. Baker when he was a practicing lawyer. If any question arose with a client as to the value of his services, it made no particular difference to the Judge; he was ready

to let the client fix the amount. He loved the law, and to a very great extent he practiced that profession because he loved it. And when he ceased to practice his chosen profession and entered upon the discharge of his duties as Judge of the Federal Court, he brought to the bench his great and varied experience of many, many years in the general practice of the law, yes,—and he also brought to the bench the additional elements of character, honesty of purpose and absolute sincerity. No man can successfully complain that Judge Baker upon the bench did not endeavor to deal out evenhanded justice.

He was resourceful, tactful, masterful, convincing. He despised sham and hypocrisy. He was a man among real men. I loved him. I shall always continue to respect his memory.

ADDISON C. HARRIS, ESQ.: Mr. President, and gentlemen of the bar—It is entirely meet that the President should have called a meeting of the members of our Association to pay a tribute to the memory of Judge John H. Baker. I remember well the occasion, mentioned by our President, of the organization of our State Bar Association. The meeting was initiated by the Indianapolis Bar Association, of which Samuel O. Pickens was then the President. The meeting was had in the Hall of Representatives in the State House. There were quite a number there. I remember particularly that General Harrison, who then had returned to the bar, and Judge Baker came down from the bench to aid in the organization of this Association. And by common accord we all agreed that Judge Baker should preside at that first meeting which was to take the initiative step for the organization of our great bar, so that in a sense

he was the first President of the Indiana State Bar Association. And when we met the next year to establish our rules and constitution, it was entirely proper that the greatest lawyer of our bar should be made the first President of our Association. Of course, I can only refer to General Harrison.

I had not the pleasure of a close acquaintance with John H. Baker until he came to the bench. I knew him as I knew other lawyers throughout the state. I knew him as a member of my party. I knew him as a great citizen of the state, but there was no close personal association and relation until he came to preside in the court. I want to tell an incident which perhaps is not exactly appropriate. Soon after, or, I should say, the next day after he had ascended the bench, he sent for me and showed me a telegram from a member of the bar, demanding that he, the sender, should be made clerk of the court. He read it to me. He asked no opinion of mine. He said, "I simply want to say that Noble C. Butler will remain clerk of this court so long as I preside in it, because I know of his worth and efficiency for that great duty."

John H. Baker feared no man, and favored no man, upon the bench. He was self-reliant, thoroughly poised in his judgment of men, of argument, of cases, of justice.

One case came before him which showed the great strength and worth of his manhood, as the judge of a great court. The grand jury had presented at his bar one of the citizens of our city, than whom no man was better known throughout the state. He was a member of the same party as Judge Baker, a member of the same church, a member of the same benevolent order, and yet, in the conduct of

that case, he sought not to withdraw because of those close relations which would induce a weaker man to ask for some one else to discharge the duty of presiding at the trial, but he sat firm, impartial, and when the time came, he pronounced sentence, I may say, with emotion apparent in his face and tears in his eyes, but with the firm conviction of duty, that as a judge of a great court and vindicating the principle of our law, he should not hesitate, or differentiate in his judgment against his friend differently from a judgment against any other man who might be brought to his bar for sentence.

I say he feared no man. I remember a case coming on for trial which involved the question of whether or not a certain corporation had a monopoly forever of the use of all the streets of our beautiful city for all time for street railway purposes. When the case came on for argument, his superior, Judge Woods, came and sat with him upon the bench. The case was presented upon the one side by General Harrison. Yet, when the time came for a decision, Judge Baker thought not of the fact that President Harrison had honored him with his place upon the bench. He felt not that he should submerge his judgment of the law in deference to his superior in rank, but he expressed and carefully wrote out and filed his opinion as to the right and law of the case; and, although the decree was controlled by a different view of His Honor, Judge Woods, yet I may say when that case reached the Supreme Court of the United States and was tested there, the reasoning and the judgment of Judge Baker in the main prevailed.

As has been so well said, he had great qualities for the adjudication of controversies between man and man. He

had mastered at the bar all the fundamental principles of our jurisprudence. He had mastered after he had come here, Mr. Chairman, all the nicer principles of equity as they are administered in the Federal Courts. I remember well, soon after coming upon the bench that he gathered together all the text books on equity practice and equity jurisprudence, English and American, and devoted his spare hours day and night in study until he was thoroughly master of all that was at all essential to the discharge of his duties upon that side of this court.

As has been well said, he lived with the best minds of the past. How often have we, who practiced in his court, seen him sitting in his easy chair in chambers reading the lines of Horace or Tacitus, without a lexicon, as readily as he read his native tongue! He lived with Shakespeare and Bacon and the masters of thought, whether they belonged to our age or ages that have gone before.

So he came and so he presided over our bar and over this court for a period of about ten years. I say nothing more than the simple truth when I say that no man who ever sat upon the bench in this court for the period in which he presided, did more to gain the confidence of the entire public of this state in the integrity and nobility of this court than did Judge Baker.

He also was companionable. He loved his friends and he had many. He was sympathetic. One day in his court I was so insistent, if you will, upon a contention that I was presenting in the trial of a cause of a kind that I am not familiar with, that he found it necessary to say, "Mr. Harris, you may take your seat." It was the only time I had ever been invited to do so. I did not feel that it was

unjust. Of course, it was singular. Within an hour after the noon adjournment I met with a serious accident, and no sooner had Judge Baker learned what had befallen me than he sent word to his court postponing the case on trial for an hour, and he was the first man to enter my door after the surgeon.

I say he loved his friends. He possessed that quality of warm true-heartedness which made him loved by all the members of the bar that practiced before him who appreciated, as we all appreciate, those great qualities of impartial fairness, without regard to friend or foe, and the dignity and the mastery of jurisprudence which have given so much to the character of the District Court of the State of Indiana.

Now, he is no longer here. His work is recorded in the annals of this Court. His work is remembered by all who knew him and by many who never knew him personally; and many who do not know of the great service that he rendered are made secure in their rights of property and liberty under the laws of the nation. So, I join heartily in the memorial prepared by Mr. Butler, and second the motion made by Mr. Miller. And I am sure that so long as we live we will bear in our hearts the kindest affection and regard for him whom we all loved so well as the Judge of this Court.

PRESIDENT MCBRIDE: Judge Spencer, we would like to hear from you.

HON. JOHN W. SPENCER: Mr. Chairman, I beg that you excuse me from expressing any sentiments with reference to Judge Baker. My acquaintance with Judge Baker was

very limited. I lived in southwestern Indiana and knew him but little and was in his court but a very few times."

PRESIDENT MCBRIDE: We would like to hear from Judge Shea.

HON. JOSEPH H. SHEA: Mr. President and gentlemen of the bar—I did not have the pleasure of acquaintance with Judge Baker until he became the Judge of this Court. A few times I appeared at this bar as an attorney in the trial of cases during the time that Judge Baker was on the bench. I think that the expressions by Mr. Miller and by Mr. Harris are very just and fair. Judge Baker was pre-eminently, in my judgment, a great lawyer. He had a very profound knowledge of the law and he had the ability and the skill to apply legal principles in a way that was eminently just in all respects. Those qualities made him, therefore, a very great judge. I believe that would be the judgment of every member of the bar who came in contact with him. His great learning was always displayed in the trial of cases. I think I never heard a man upon the bench who could instruct a jury orally with more clearness and more fairness than did Judge Baker. I know in the trial of cases, in the heat of the contest, sometimes we thought that he was a little severe upon members of the bar who were, as Mr. Harris has said, perhaps overly insistent upon presenting their points, but I never heard any lawyer complain that Judge Baker's instructions to a jury were anything but eminently fair and to the point always, and as I say, therefore, he was a very great lawyer and a very great judge.

PRESIDENT MCBRIDE: Mr. Cockrum, you were one of the officers of the court when Judge Baker was judge.

JOHN B. COCKRUM, ESQ.: Mr. President, and gentlemen of the Bar Association—I knew Judge Baker from the time he assumed his duties as Judge of this Court very intimately. At the time when he came here I was associated with Mr. Chambers in the District Attorney's office and had reason to be with Judge Baker on many occasions and to appear before him in many cases. I found him a most excellent friend, a most excellent advisor, and in the performance of his duties as a judge I could add nothing to what has been expressed by the other men who have preceded me or by the resolution which has been presented. He was eminently fair, always just, always considerate and always honest. He at times, as has been stated by others, might appear to be severe, but the severity that he displayed was not that of intention to injure or do damage to the one against whom it was addressed, but was simply an expression of the feelings which occurred to him as to the matters before him. In the end he always was fair with any question or party before the Court.

He had a tender heart. He was a man of honest purpose. He was true to his friends, true to his obligations as a judge and a lawyer; true to all men.

I can add nothing to what has been said of him. I can only say that I have lost a dear, good friend in the death of Judge Baker. I will revere his memory as long as life shall last with me as one of my dearest treasures. I knew him as a friend; I trusted him as a friend, and he helped me as a friend. It is unnecessary that I go into any of the personal relationships of my life and my association with him to tell of that friendship, but when I needed a friend and was leaving the office of District Attorney, going

out into the world without anything to do and with no associations, it was he, in conjunction with Mr. Butler, that did more to help me than any other influence. As I have said, I have lost a dear, good friend and one whose memory I shall always revere and treasure.

PRESIDENT MCBRIDE: Mr. Daniels, as one of the officers of the Court during Judge Baker's incumbency, may we hear from you?

EDWARD DANIELS, ESQ.: Mr. Chairman, as a young man my memory goes back to the law firm of Baker & Mitchell, whom I heard of when I was a law student and later came to know, not intimately, but well. The name of that law firm recalls a remark which I heard at the funeral of Judge John H. Baker, made by a gentleman who had been in the Baker & Mitchell office, to this effect: "Those two men wonderfully supplemented each other." The make-up of that firm was such a combination of qualities that the unity was so marked as to be an unusual one. Judge Mitchell was a great lawyer,—so great that before he passed away, while he was still on the Supreme Bench of Indiana, it was currently talked that he would be the next candidate for the Presidency of the United States by the nomination of the national Democratic party. Judge Baker was the courtroom man of that firm. He met the public easily and naturally, not as a seeker of popularity, but as a man who was always frankly sincere and courageous. He was intellectually resourceful. He knew human nature. He knew how to give and take in debate. He had the fair spirit of open battle. I now recall distinctly that in riding up towards Anderson one evening in the twilight, I sat near Judge Baker (John H. Baker, it was then), and other older

lawyers, who were reminiscent, it being twilight at the time, as I have said,—and Judge Baker told of an instance in which he engaged in a physical tussle in the courtroom in defense of his client and the propositions of law for which he was contending. He said that he knew that truth in fact and righteousness in law were on his side, and his zeal led him to the point of muscular demonstration.

Now, the remarkable thing about Judge Baker was that being a courtroom man,—being a fighter by temperament and training, he should ascend the bench of this court, following a line of men who have made this court famous nationally, and should impress upon the court during his term of service a reputation higher even than it had before, because he was a great student, and to learning he added culture. He was a great lawyer; he was also a great judge; and more than all that, he was a gentleman. In other words, the man who had been an active trial lawyer, notwithstanding the temperament that qualified him for that kind of work, was also qualified to put aside all partisanship except enough to do justice,—and that is always necessary in any good judge,—and maintained the dignity and high rank of this court, as they had been established by a long line of able and fearless judges, by his legal knowledge, by his fairness, by his genuine courage, and by his noteworthy scholarship.

Then something more should be said of Judge Baker's qualities as a judge. It has been said here that by his conduct upon the bench he commended this court to the people of the State of Indiana. There were already rumblings of the initiative and referendum, and distinct proposals for curtailing the powers of the courts. I say curtailing,

because it had not got to the point where the lawmakers by the commission form of government, with detailed legislative regulations, had in effect made the attempt practically to absorb and obliterate the judicial department of our state and national governments. All these suggested changes were the teachings of a new political science, and the demands of a new philosophy. This so-called modernity did not attract Judge Baker. He stood by the old landmarks; his strong common sense gave him poise, and his erudition fitted him to defend his position. The people soon came to know that here in the Indiana District Court a man was presiding who was a student,—not simply a student of philosophy, not simply a student of law, but a general student, and more than that, a man who delighted in the study of the problems of politics, government, and philosophy, and who gave evidence of his rank as a student by his fondness for the classics, which he read in the original tongue. But it was never said of Judge John H. Baker that he was a pedant on the bench. It was never said of him that he lost sight of the main issue in a case by reason of the fact that he was a careful student and inclined to the study of the classics. In other words, he was a great student, but could be a classical scholar without laying aside the respect and appreciation of something higher than the mere knowledge of language or mere ability to read a dead language. He never was a pedant; never went off on a tangent, led by some will-o'-the-wisp of philology or what-not; but the very fact that he was such a student and that he had such a mind and that he had such a training was one of the facts that commended this court to the people of Indiana, because they had respect for a scholar. He was a scholar; he was a great judge; he was a fighter. Those

three qualities are things that stand out in my mind as the factors that made this bench of the District Court of Indiana a great bench in the minds of the people, not only of Indiana, but of the United States, for more than the last half century.

PRESIDENT MCBRIDE: Is there any other member of the bar present that desires to be heard on this motion? Mr. Martindale?

CHARLES MARTINDALE, ESQ.: Mr. Chairman, I did not expect to say anything at this meeting, and am somewhat surprised at the personal call upon me. My recollection of Judge Baker extends back to 1879, when he was a member of Congress and I was a stripling engaged in the newspaper business as Washington correspondent for the Indianapolis Journal. There I learned to know John H. Baker, who was one of the eminent men in the Congress of the United States at that time. I was indebted to him for a great many personal favors. Men who are absorbed in national affairs are often too busy to give attention to boys who are endeavoring to carry out their duties; but John H. Baker never was. He was never too busy to give me his kind attention and often aided me.

Some reference has been made to his connection with the Star Route cases. That brings to my recollection that it was those cases that led to my ejection from the profession of journalism. I was one of the correspondents of newspapers at Washington, together with John M. Carson, then of the New York Times, and A. M. Soteldo, of the Baltimore American, who first printed the charges in relation to irregularities of the Star Route service in the office of the Second Assistant Postmaster General, which involved

men of such high standing and such great personal influence and such great political influence, as led to my retirement from that profession, and thereupon I took up the study of the law.

When Judge Baker came here I was a young man in the profession and inexperienced. He was always kind and very careful in his guidance of me with respect to matters which I had to bring to his attention. I always felt that I could go to him with perfect confidence. I would not give the impression that I was an intimate friend of Judge Baker. I appreciated too keenly the immense breadth of the gulf which separated him mentally from me, and I was not able to penetrate the arcanum of his most intimate thoughts, upon which alone a great sympathetic friendship can be based. I esteemed him more as an efficient advisor—one who was a guide and a counselor.

PRESIDENT MCBRIDE: I will call upon Mr. Taylor.

WILLIAM L. TAYLOR, ESQ.: Mr. Chairman, as a boy I lived in a county adjoining Elkhart, and knew Judge Baker when he first became a candidate for Congress. You, Mr. Chairman, lived in an adjoining county, DeKalb, all in the same district.

John H. Baker came to our village to campaign for the nomination and made a clear, strong speech. My father, then in politics, was an active supporter of Baker's candidacy. As a candidate Mr. Baker spoke there in the same sharp, clear, incisive way that afterward gave him such signal success, both at the bar and on the bench. He was a tall, slender, black-haired man, always at ease, and talked without multiplied adjectives or literary frills. He was not

a declaimer or a speaker with rounded and sonorous sentences. He was rather a debater. He argued questions of politics exactly as he argued questions of law. He was nominated and elected and re-nominated and re-elected to Congress. Our district was always for him, but there came a time when his law partner, Judge Mitchell, accepted the nomination for Supreme Judge, and Judge Baker went out of politics and into active practice.

After I went through college I went over to Goshen and talked with both members of the firm about going into their office as a student. Both advised me to go to Indianapolis, and upon their advice I did so.

Judge Baker was essentially a trial lawyer, and there never was a better one. United with Judge Mitchell, they constituted the strongest law firm in northern Indiana.

After Judge Baker went on the bench he pursued the same studious habits that were fastened upon him as a practicing lawyer. He could read the law in original Latin, the same as in English. He was a fundamental lawyer. He was always independent of personal likes and dislikes, and never feared power nor greatness. The humblest lawyer and beginner was treated with the same courtesy as were the ablest and most experienced lawyers that appeared before him. All of us can remember all the different experiences we have had as lawyers in the practice before him. He was courteous and kind to those in trouble, and those with little experience, but he was equally severe and courageous when he faced a wanton violator of the law or some man or corporation that had wickedly over-reached some innocent victim. He could not endure either flippancy, familiarity or offensive fawning. He was clear of mind and clean of heart.

Judge Baker grew as a judge with the passing years, until he became one of the greatest Federal jurists of this country. He added much to the sum of judicial learning. His opinions read clear and ring true. To me, and to all the members of the bar he was an inspiration, as well as a guidance and a help. No lawyer living or dead did more for me than he.

Had he so desired, and his ambition led him in that direction, he could have been Governor of Indiana. He had the ability to serve as President of the Republic, and he would have made a great President, for he had the executive ability of the highest order. As I view his life, and as I knew it, it was a completed circle, as perfect as that of any man I have ever known.

While he was not in early life possessed of an abundance, he never felt the touches of poverty, for he had a competency as a boy. His practice brought him sufficient means to be independent. He went on the bench as a great man, and at eighty-three he passed into the great Beyond, loved and honored by all. If he ever had a cross to bear that is not borne by men in general, I never heard of it. If he had a crown of thorns, I never knew it. Enemies I assume he had, but if so, they were few. Friends he had by the multitude. The State of Indiana, as well as the whole country, was blessed by his presence and his life work. He has left an impression on the world that is ineffaceable. We remember him like we revere Marshall and Mansfield, and others who have gone before, and we know that the world is sweeter because of his having lived in it, and because he has perfumed it with his life.

PRESIDENT MCBRIDE: Mr. Fraser, as a past President of this Association, we will be glad to hear from you.

DANIEL FRASER, ESQ.: Judge Baker lived and loved and liked life well. There has been accomplished here, in the memorial read by Mr. Butler, and the words of Mr. Harris—a result seldom attainable—an estimate has to a very large degree been made of the life and character of Judge Baker. It is almost impossible to estimate the value of such a life and its influence on mankind; the canvas is too broad to fill with little things, and not enough to comprise the history of a people for half a century.

Mr. Baker not only had knowledge, but he had wisdom. It is sometimes unfortunate that a funeral service is a solemn occasion; it is especially true in Mr. Baker's case, because he had a muritic wit by which he etched out some striking figures and some grotesque caricatures. We hope there will be some other occasion when gentlemen will be at liberty to present another and interesting phase of the character of this great man. For instance, I came over to his chambers to call on Judge Baker after an argument in the Supreme Court when Judge Mitchell adorned that place; I told Mr. Baker what a fortunate thing it was for all of the young men around Goshen, and the bar generally, that they had known and been associated with Judge Mitchell, and spoke of his manners and courtesy. I told him I had been studying the life of Lord Kenyon, and that Mr. Mitchell seemed like this great jurist in respect of his patience to listen and kindly courtesy. I remarked that his long association with Judge Mitchell was no doubt largely accountable for his possession of these qualities, especially being a patient listener. Those of you who know Mr. Baker,

know how he looked; he had a habit of pinching his chin and then in that inimitable language, which it would probably not be appropriate here to imitate, if it could be done, he said, "That is so—Judge Mitchell has the most patience with folly and the greatest delight in the conversation of the unwise than any man who has lived since Charles the Second."

It has been well stated in this resolution, that Judge Baker believed that liberty and human rights and all the things men strive and suffer for on this earth, are only safe in a land of constitutions and laws; that no man's rights, liberty, property or privileges, should ever pass but by the moral sense of the community guided by abstract principles of moral philosophy in constitutions, in laws and in decisions. Under no other system of civil government are men's rights safe, and no other man who ever sat on this bench, or probably who ever will do justice here, has done more to fix the controlling principles of abstract justice as applied to the particular circumstance in safeguarding the rights, liberties and privileges of men, in the very blood and sinew of the people and in the soil of the state. Judge Baker did a man's work in the world with a grace and strength and self-forgetfulness, and then he died. Death is the end. It is the end of every one of Plutarch's lives—"And then he died." These words apply to those great lives which gave philosophies and empires name, and to the little lives, that leave no void save in their kinsman's heart, but there is little of which death can deprive mankind in such a life as Baker lived. All that was great of him lives on forever. Sir William Hamilton had in gilded letters on the wall of his lecture room, "Nothing great of earth but man; nothing great of man but mind." The life and char-

acter of Judge Baker will be an inspiration to other men until the end of time.

There ought to be no moaning at the bar when he put out to sea, because he goes to take his place among the chief and tallest spirits of the best and wisest, the bravest and gentlest of all the ages.

SECRETARY BATCHELOR: Mr. President, I desire to submit the following letter to the Association:

"FORT WAYNE, INDIANA, October 25, 1915.

"George H. Batchelor Esq., 1106 State Life Building, Indianapolis, Indiana:

"Dear Sir—I have received your invitation to be present at the meeting to be held in memory of Judge John H. Baker, whose death has cast a shadow of sorrow throughout the state, and it is a cause of much regret to me that I shall be unable to be present. Judge Baker was a great judge in the best sense of the word. He was at home in the whole field of the law, patient to hear, courteous to the bar, and just and fearless in decision. Among the most cherished recollections of my life is the memory of the trial of cases in his court. I was a novice in Federal practice, but I always felt that my arguments were considered by him for all they were worth. There were giants at the Indianapolis bar in those days. Joseph E. McDonald, Thomas A. Hendricks and Benjamin Harrison were in the midst of their great careers. I was a youngster among them, but I always felt that my arguments were as carefully considered and fairly weighed by Judge Baker as theirs.

"What an inspiration the life of such a judge is to the youth of our country. It is the services of such men on the bench that give life and effect to constitutions and laws, without which they would be but empty sound and waste paper.

"The State of Virginia used to be called the mother of Presidents. In the same sense the little city of Goshen, in Indiana, may be called the mother of judges. I recall the names of Judge Woods, Judge Mitchell, Judge John H. Baker, and his distinguished son, Francis E. Baker, for whom we all hope many years of life and usefulness to come. There may be others that I do not remember.

"There will be eloquent tributes to the memory of him who has gone, but this expression of my heartfelt sorrow at the loss of a friend is mine and the sincerest I can offer.

"Very truly yours,

"R. S. TAYLOR."

PRESIDENT MCBRIDE: Is there any other gentleman desires to be heard on this resolution? If not, you have heard the resolution which has been duly seconded. We will vote on the adoption of the resolution.

The motion was carried unanimously.

NOBLE C. BUTLER, ESQ.: Mr. President, I desire to move that the Executive Committee of the State Bar Association be instructed to publish the proceedings of this meeting in a separate volume for distribution to the members. (Seconded by A. C. Harris, Esq.)

The motion was carried unanimously.

Whereupon the meeting adjourned.